

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)	
)	
vs.)	Case No. 3-13-cr-154
)	JUDGE VARLAN
DENNIS DEWAYNE PLEMONS)	

SENTENCING MEMORANDUM

Comes counsel for defendant Dennis Dewayne Plemons who files this sentencing memorandum:

Mr. Plemons requests a sentence at the bottom of the guideline range determined by the Court at the hearing.

Mr. Plemons has filed an objection to the Presentence Investigation Report and has argued that he should not be sentenced as an armed career criminal. If the Court overrules that objection, the sentencing guideline range is enhanced from 84-105 months to 168-210 months which is limited by statute to 180-210 months.

Mr. Plemons has recently been sent by the Bureau of Prisons to the Midway Rehabilitation Center. His last sentence of 92 months was to be completed in early November. Mr. Plemons and his family have known that his sentence would be reversed and that he would be resentenced for a number of months. Prior to the Supreme Court's reversal in *United States v. Stitt*, Mr. Plemons was able to plan for a return to his family and to plans for a more stable life.

Mr. Plemons grandparents, who are now 95 and 89 years of age, still reside in Roane County. They continue to state to the Court that Mr. Plemons has a place to stay with them. They could benefit greatly from whatever time he could spend at the farm.

There is a great deal of manual work necessary to maintain the family property and they

have only one daughter who is able to help at this point.

Mr. Plemons has a long history of mental health issues. He has stayed on prescribed medication while incarcerated. A psychiatrist recently changed his medications and the changes appear to have worked favorably. His mental health conditions have been stable for several years. Mr. Plemons also deals with physical problems. He has diabetes and high blood pressure which have to be constantly monitored. He would benefit from being placed in a medical facility and requests a recommendation to either FMC Butner or FMC Lexington.

If Mr. Plemons is to be sentenced as an armed career criminal, the mandatory minimum sentence does not represent a bottom of the guideline sentence but rather a sentence 12 months higher than the bottom of the guidelines. Further, the armed career criminal guideline range is roughly double the non-armed career criminal guideline range.

At this point in his case, Mr. Plemons presents as a man who has made changes to his outlook and his ability to relate to others. His hope of regaining and improving a life outside of prison may be closing for the present, but he has learned from the process. The minimum mandatory armed career criminal sentence is certainly lengthy and a sentence any longer will not serve any of the purposes of the factors set forth at 18 U.S.C. § 3553(a).

Respectfully submitted this 14th day of September, 2020.

FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.

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